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| 10/584,328 | 06/26/2006 | Eric Vetillard | VETILLARD1 | 9651 |
| 1444 7590 02/17/2009 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | | |
| EXAMINER | | | | |
| POLLOCK, GREGORY A | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,328

Applicant(s)

VETILLARD, ERIC

Examiner

GREG POLLOCK

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to claims filed 07/03/2008 and Applicant's request for reconsideration of application 10/584328 filed 01/21/2009.

The amendment contains amended claims 2-6

The amendment contains new claims 7 and 8.

Claim 1 has been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

3. Claims 2-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cirne (U.S. Patent No. 6260187).

As per claim 7, Cirne teaches a method for loading into a computer device (JAVA running on a platform [Abstract] [column 1, lines 53-57]) with a programming language (JAVA [column 1, lines 53-57]) using objects ([Abstract] and [Title]), an updated release of an earlier application (add new functionality to existing code [column 2, lines 45-47]) having earlier application classes and earlier static field identifiers (original class and static field [column 2, lines 50-65]), said updated release having updated application release classes (new class and static field [column 2, lines 50-67]), and updated static field

identifiers (new static field [column 2, lines 50-67]), **said programming language permitting an introduction of additional classes, a class hierarchy modification and a definition of further fields and methods** (additional class definitions [Abstract]), **said method comprising the steps of:**

computing, in a first computing operation prior to said loading (three sets of inputs are received at a code modifier [Figure 1, element 10], the inputs including replacement or substitution classes and rules [column 2, lines 50-65]), **a class matching information establishing a correspondence between said earlier application release classes and said updated application release classes** ([column 3, line 65 – column 4, line 9] [Figure 6] and [column 10, lines 40-63]);

computing, in a second computing operation prior to said loading (three sets of inputs are received at a code modifier [Figure 1, element 10], the input including replacement or substitution static fields and rules [column 2, lines 50-65]), **a second static field identifiers matching information establishing a correspondence between said earlier application release static field identifiers and said updated application release static field identifiers** ([column 4, lines 36-44] [Figure 8] and [column 13, lines 11-46]);

linking said class matching information and said static field identifiers matching information to said updated application release as loaded into the computer device ([Figures 6 and 8] and [column 10, line 64 – column 12, line 12] and [column 13, lines 11-46]);

and using said class matching information and said static field identifiers matching information to modify the objects to point at the updated application release classes and use the updated application release static field identifiers ([column 2, lines 50-67]).

As per claim 2, the rejection of claim 7 has been addressed.

Cirne teaches a method wherein **said class matching information and static field identifiers matching information are lookup tables** (three sets of inputs are received at a code modifier [Figure 1, element 10], the inputs including replacement or substitution classes, static fields, and rules [column 2, lines 50-65], the inputs further containing a constant pool [Figure 5] which contains class data structures [column 5, line 59 – column 6, line 12] and static field identifiers [column 6, lines 46-58] used in [Figure 4 and 6] for class, static field and object updates.).

As per claim 3, the rejection of claim 7 has been addressed.

Cirne teaches a method wherein **said class matching information and static field identifiers matching information is omitted when said objects are not to be modified** ([Figure 4] [column 5, lines 29-58] [column 10, lines 40-63] and [column 13, lines 11-45]).

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As per claim 4, the rejection of claim 7 has been addressed.

Cirne teaches a method **comprising an implementation of procedures for updating application data after the new application release has been installed** (add new functionality to existing code [column 2, lines 45-47]).

As per claim 8, the rejection of claim 7 has been addressed.

Cirne teaches a method **wherein said class matching information and said static field identifiers matching information are omitted when no additional class is added to said new application release or when newly introduced additional classes do not change said class hierarchy** ([Figure 4] [column 5, lines 29-58] [column 10, lines 40-63] and [column 13, lines 11-45]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cirne (U.S. Patent No. 6260187) in view of official notice.

As per claims 5 and 6, the rejection of claim 7 has been addressed.

Cirne implies, but does not explicitly teach a method **wherein said computer device is a chip card and the programming language is a "Java Card" language**.

It is old and well known in the art that a JAVA card running a JAVA card language is an example of a JAVA platform (system) (for example Baentsch et al. teaches a JAVA card [column 1, lines 7-9] and [claim 6]) running JAVA card code [column 1, lines 7-9]).

It would have been obvious to one skilled in the art at the time of the invention to have used the Cirne on a JAVA card to achieve the claimed invention. Cirne teaches that their invention can be run on different system which run JAVA code [column 1, line 53 – column 2, line 29] [Figure 9] [column 18, lines 45-51]). It would have been obvious to one skilled in the art at the time of the invention to have used Cirne on a JAVA card to modify JAVA to add new functionality to existing code.

Response to Arguments

6. Applicant's arguments, with regards to claims 2-8, filed 01/21/2009 have been fully considered but are moot in view of new ground(s) of rejection necessitated by applicant's claim amendment filed 07/03/2008. The prior art rejection above serves as the examiner's answer.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Chan et al. (US Patent No. 6005942) – teaches a system and method which allows smart card issuers to securely add applications during the lifetime of the card after the card has already been issued (post issuance). Loading of an application and/or objects from an application server via a card acceptance device (and its supporting system

infrastructure delivery mechanism) onto a card post issuance is performed in a secure and confidential manner. A smart card includes a card domain application that manages the card. An Install File is used to successfully perform the install. The Install File contains all mandatory information that is required by the card in order to receive the applet, store it in non volatile storage and make it ready to run. This mandatory data includes the following: name or identifier of the applet; identification of hardware and software requirements (version of virtual machine, system class and system framework); link references to libraries and classes in ROM that need to be resolved; link references to libraries/class/functions in non volatile that need to resolved; link references within the applet that need to be resolved; fix ups for data references that need to be resolved; entry points for "process" and "install" methods; and proof of ownership, origin, and completeness and correctness. Optional information includes memory requirements, debug information and any potential terminal related information.

- De Jong et al. (US Patent No. 6769053) – teaches a JAVA card storing a data structure for supporting persistent storage of a set of data, the data structure including: (a) at least an oldest version of the set of data in first memory area, the first memory area including at least one first tag for uniquely identifying the oldest version, and (b) at least a most recently updated version of the set of data in a second, distinct memory area, the second memory area including at least one second

tag for uniquely identifying the most recently updated version. The invention also relates to a computer arrangement including a processor and such a computer-readable medium, as well as to a method of updating sets of data having such tagged-data structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pollock whose telephone number is 571 270-1465. The examiner can normally be reached on 7:30 AM - 4 PM, Mon-Fri Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Kyle can be reached on 571 272-5233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAP

2/11/2008

/Gregory Pollock/
Examiner, Art Unit 3695

Gregory A. Pollock

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193